

URGENT ACTION

FAMILY MEMBERS DETAINED ON FABRICATED CHARGES

On 17 March, the NGO Russian LGBT Network reported that lawyers were finally allowed to visit Salekh Magamadov and Ismail Isaev in a remand facility in Chechnya's capital Grozny. They complained about ill-treatment and multiple violations of fair trial guarantees. They are being prosecuted on spurious charges solely for exercising their right to freedom of expression, including in connection with their real or perceived sexual orientation and gender identity, and must be immediately released. All charges against them must be dropped.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Prosecutor General
Igor Viktorovich Krasnov**
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Dear Prosecutor General,

*I am gravely concerned about the arbitrary detention of twenty-year-old **Salekh Magamadov** and **Ismail Isaev** who has just turned 18. According to the Russian LGBT Network, they were detained by police at a flat in Nizhnii Novgorod, in an abduction-style operation, on 4 February 2020, and forcibly transferred to Gudermes, Chechnya. There, they were questioned as witnesses and nominally released, only to be arrested and taken away immediately after, first to the village of Sernovodskoe and then to the town of Urus-Martan. On 9 February, an Urus-Martan court ordered their remand as persons suspected of "aiding and abetting an illegal armed group". The court's decision (upheld on 20 February by the Supreme Court of Chechnya) was issued without informing their lawyers or family members despite Ismail Isaev still being a minor at that time. They were only allowed to see their lawyers in mid-March, in the Grozny pre-trial detention facility SIZO-2. They complained about their ill-treatment and multiple violations of fair trial guarantees, including being forced to sign a "confession" and to refuse the services of the lawyer of their choice.*

Salekh Magamadov and Ismail Isaev are being prosecuted solely for exercising their right to freedom of expression, including in connection with their real or perceived sexual orientation and gender identity. They had already suffered unlawful deprivation of liberty and alleged torture and other ill-treatment at the hands of the Chechen authorities back in March 2020, when they were arbitrarily detained by the Chechen police and unlawfully held in secret detention. They are at further risk of torture and other ill-treatment and face up to 15 years in jail on fabricated charges.

In light of the above, I urge you to:

- Take urgent steps to ensure the immediate release of Salekh Magamadov and Ismail Isaev, and an end to their unfounded criminal prosecution;***
- Ensure that, while they are in detention, they are protected from torture and other ill-treatment and have immediate and unimpeded access to a lawyer of their choice and that their human rights are fully respected, in accordance with Russia's obligations under international law.***

Yours sincerely,

ADDITIONAL INFORMATION

Salekh Magamadov and Ismail Isaev have long been targeted by the Chechen authorities. According to media reports, in 2019, at the age of 16, Ismail Isaev faced violence and persecution for his real or perceived sexual orientation and gender identity. He was captured by the police, beaten and held at a secret location for seven days and released for ransom. On 30 March 2020, Ismail Isaev and Salekh Magamadov were arbitrarily detained by the Chechen police and held at the premises of the patrol police regiment. There, according to their account, they were tortured and otherwise ill-treated in retaliation for moderating a youth Telegram channel "Osai Nakh 95" which contained posts critical of the Chechen authorities and traditions. They were released in May after a video with their forced "apologies" had been published on the Internet. Fearing further reprisals, including in connection with their real or perceived sexual orientation and gender identity, they fled Chechnya in July 2020. The Russian LGBT Network helped Salekh Magamadov and Ismail Isaev move to Nizhny Novgorod, in Central Russia, due to ongoing concerns over their safety.

On 4 February, the LGBT Network reported that police detained Salekh Magamadov and Ismail Isaev at the flat in Nizhny Novgorod where they were staying. One of them managed to quickly call the LGBT Network while the flat was being raided, and the LGBT Network immediately sent them a lawyer. The lawyer discovered an empty flat and evidence of the violent raid. He eventually managed to get confirmation from the local police that Salekh Magamadov and Ismail Isaev had been apprehended by the police, and that they were being taken by car to Gudermes, in Chechnya. The police did not disclose any other circumstances of the case.

Upon arrival in Gudermes in the afternoon of 6 February, Salekh Magamadov and Ismail Isaev were questioned as witnesses at the local police station. Their lawyer was not provided with the details of the case. They were released at around 8pm but immediately re-arrested as soon as they left the police compound, without any explanations, and taken by car to the village of Sernovodskoe, around 90km away, also in Chechnya. Their father and their lawyer followed them. In Sernovodskoe, the lawyer was not allowed to see his clients, nor was he allowed into the police station. According to the lawyer, at around 11pm, a senior Chechen official arrived at the police station and, together with police officers, forced his clients' father to give up any attempts to see them, despite being the legal guardian of the underage Ismail Isaev, or to have the lawyer represent them. Following this, the LGBT Network sent another lawyer to Chechnya. When the new lawyer arrived the next day, 7 February, the police did not allow him to see his clients and refused to accept his formal complaint.

When the lawyers hired by LGBT Network were finally able to see Salekh Magamadov and Ismail Isaev in March, they informed them about their ill-treatment during their transfer to Chechnya and while held at Sernovodskoe police station. According to Salekh Magamadov and Ismail Isaev, the police forced them to refuse the services of the lawyers of their choice and to sign false "confessions". Among those who interrogated them at Sernovodskoe police station, Salekh Magamadov and Ismail Isaev recognised the officers from the patrol police regiment who had detained and tortured them in Spring 2020.

On 8 February, the European Court of Human Rights requested that the Russian authorities take urgent steps to ensure that Salekh Magamadov and Ismail Isaev are provided with immediate and unimpeded access to a lawyer of their choice and to their family members, and that they are immediately examined by an independent health professional. However, this request was ignored. At that time, Salekh Magamadov and Ismail Isaev were held in the pre-trial detention facility in Urus-Martan. On 9 February, Urus-Martan Town court remanded Salekh Magamadov and Ismail Isaev, initially for two months, and they were placed in the pre-trial detention facility SIZO-2 in Grozny. Neither their parents nor their lawyers were informed about the hearing. The lawyers appealed their remand. On 20 February, the Supreme Court of the Chechen Republic rejected the appeal. Salekh Magamadov and Ismail Isaev were only able to see the lawyers of their choice in mid-March.

Over the years, human rights defenders have documented widespread human rights violations in Chechnya, including mass arbitrary detentions, torture and other ill-treatment, and extrajudicial executions. Those who criticise the Chechen authorities, including in social media, face severe reprisals. In September 2020, 19-year-old Salman Tepsurkaev, moderator of a popular Telegram channel "1ADAT", was abducted from Krasnodar region in southern Russia by men presumed to be Chechen law enforcement officials and taken to a secret location in Chechnya. His fate and whereabouts remain unknown despite a criminal investigation having been nominally opened into his enforced disappearance in late November 2020.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 26 May 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Salekh Magamadov and Ismail Isaev (Amnesty has not been able to confirm their preferred pronouns)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/eur46/3719/2021/en/>